

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

**L.R. NO.:** 2490-08  
**BILL NO.:** Truly Agreed and Finally Passed HCS for HBs 1386 & 1086  
**SUBJECT:** Creates Crime of Financial Exploitation of the Elderly  
**TYPE:** Original  
**DATE:** May 24, 2000

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses  
 This fiscal note contains 4 pages.

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## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Office of State Courts Administrator** and **Department of Social Services** assumed for a very similar proposal that their agencies would not be fiscally affected.

Officials from the **Office of Prosecution Services** assumed for a very similar proposal that their agency would not be fiscally affected.

Officials from the **Office of State Public Defender (SPD)** assumed that for a very similar proposal that existing staff could provide representation for those 15 to 25 cases arising where indigent person were accused of “financial exploitation of the elderly.” The SPD stated that passage of more than one similar proposal would require the SPD to request increased appropriations to cover the cumulative cost of representing the indigent accused in the additional cases.

Officials from the **Department of Corrections (DOC)** stated the need for additional capital improvements is not anticipated at this time. They note that the cumulative effect of various new legislation , if adopted, could result in the need for additional capital improvements funding if the total number of new offenders exceeds current planned capacity.

Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court. If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational costs either through incarceration (average of \$35 per inmate, per day) or through supervision provided by the Board of Probation and Parole (average of \$3.50 per offender, per day)

Supervision by the DOC through probation or incarceration would result in some additional costs but it is assumed that the impact would be minimal. Overall, the DOC indicated that any costs incurred resulting from enactment of this proposal could be absorbed with existing resources.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal would create the crime of financial exploitation of the elderly or disabled. The crime would be committed when a person who stands in a position of trust and confidence with an elderly or disabled person knowingly uses deception or deceit to take control over that person's property with the intent to permanently deprive him or her of it. Financial exploitation of an elderly or disabled person would be a class A misdemeanor for property worth less than \$250 and a class C felony for property worth \$250 or more.

The proposal would also create an exception for those who make a good faith effort to assist elderly and disabled persons in the management of their property, but are unable to do so. The proposal also states that the reasonable belief that the person was neither elderly nor disabled is not a defense.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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SOURCES OF INFORMATION

Department of Social Services  
Office of State Courts Administrator  
Department of Corrections  
Office of State Public Defender  
Office of Prosecution Services



Jeanne Jarrett, CPA

Director

May 24, 2000